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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

June 8, 1993

Office of the Secretary  
Federal Communications Commission  
Washington, D.C. 20554

Re: MM Docket 93-114, Review of LPTV Rules

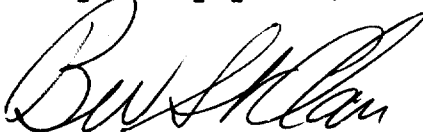
Ladies and Gentlemen:

With this letter are my comments in the above-captioned NPRM.

By way of background, let me mention that I have done the engineering for more than 25 LPTV applications in every filing window, and I have prepared numerous minor change applications for translators and LPTV stations.

These comments are offered from the perspective of this background.

Very truly yours,



Byron W. St. Clair

BWS/jmw

Enclosures

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Statement of Byron W. St. Clair  
in MM Docket 93-114  
RM-7772

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          Pages 3 and 4

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I. Correcting and Amending Applications

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With the advent of "filing windows", the completed application came to have a life of its own. However, the purpose of the application should be to allow the Commission to determine if the applicant is legally qualified (not at issue here) and establish that the proposed station will not violate the LPTV interference protection standards. Then, in a "window" environment, the application must be processed in a way that is not prejudicial to applicants who filed simultaneously or who will file in later windows. It must also be recognized that the Commission is entitled to require that applicants use reasonable care and prepare applications that allow the Commission to know what the applicant proposes to do.

Thus, in a congenial atmosphere, which I personally hope will always prevail in relations between the Commission and applicants, I believe it strikes a proper balance if one opportunity to correct an application is allowed as outlined in the NPRM and, further, there is one opportunity to resolve mutually exclusive applications by making changes. I would suggest, however, that the changes not be restricted to minor changes as long as the corrected or amended application is not in conflict with anyone -- earlier license, CP or application. This may give a totally correct application an advantage or one that needs correction or amendment, but, overall, this seems fair.

## II. Minor Change Applications

I have done the engineering for many minor change applications and have frequently been frustrated by the constraints of the present rules. Space for transmitting antennas, whether on a tower or a building roof top, is harder to get year by year. Thus, prospective station builders frequently have to go where they can, not where they would like to go. The new definition in the NPRM is certainly a help; however, it might well not allow a move from one side to the other side of the area to be covered. For instance, if the authorized site is south of the community with a fairly directional antenna pointing north, it would be possible to move east, west, or south; but a proposed change to the north side of the area with the antenna directed south would be precluded if the new site was outside the protected contour. I suggest a more flexible definition where there is no restriction on the new antenna site, provided the area of the new protected contour is outside the original and is less than a certain percentage of the area within the original. Let me suggest 20 percent outside as the tolerance. Of course, the modified station would have to satisfy the interference criteria. This definition would provide more flexibility while still requiring the LPTV station to serve essentially the same area. It would be reasonable to require that a minor change application include a showing that the new area outside the original contour is within the tolerance.

Note, however, that this more flexible definition would require a moratorium before each window so the database upon which new applicants must rely will reflect any minor change application which needs to be protected by a new application.

### III. Call Signs

I have worked with many LPTV station operators who have started stations and gone through the process of building an audience. I have even been called by the rating services who want to know what this station with the funny call sign is and what does it do. I believe it would provide a more level playing field to allow LPTV stations to have four-letter call signs. However, I suggest the following modifications to the proposal in the NPRM:

1. The four-letter call signs should be in standard form and not have the LP suffix. This distinction serves no useful purpose and will tend to put LPTV stations back into the second class stations imposed by the present calls.

2. The four-letter call signs should be available on request regardless of the mode of operation of the station. No purpose is served by requiring the criteria suggested by the CBA. Such a distinction would be difficult to administer and would take Commission resources for no good purpose.

3. LPTV CP holders should be able to apply for four-letter call signs as soon as they have their CP. If an LPTV station is going to use a four-letter call, it will have a true need to have this call sign by the time it goes on the air in order to maximize the acceptance of this station by the public.

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